

REMARKS

Responsive to the Restriction Requirement dated April 19, 2005, Applicant elects with traverse claims 1-21 (Group I) for examination. Claims 22-27 (Group II) and claims 28-30 (Group III) are withdrawn. Applicant nevertheless respectfully submits claims 22-27 (Group II) and claims 28-30 (Group III) should be examined with claims 1-21 (Group I) because, contrary the assertion by the Examiner, the sensor of claims 1-21 does require the methods recited in claims 22-27 (Group II) and claims 28-30 (Group III).

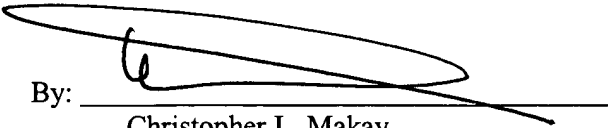
A thermistor is typically employed in either a zero-power mode or a self-heated mode. Applicant is unaware of an application that cycles a thermistor between a zero-power mode and a self-heated mode. Applicant accordingly cycles the thermistor recited in claims 1-21 (Group I) between a zero-power mode and a self-heated mode to alternate between measurement of fluid temperature and supplying a known amount of energy to the fluid. The data collected as a result of cycling the thermistor of claims 1-21 (Group I) between a zero-power mode and a self-heated mode is then used to determine fluid flow rate as per the methods of claims 22-27 (Group II) and claims 28-30 (Group III). Applicant cycles the claimed thermistor between a zero-power mode and a self-heated mode for the sole purpose of practicing the methods recited in claims 22-27 (Group II) and claims 28-30 (Group III). Moreover, the methods recited in claims 22-27 (Group II) and claims 28-30 (Group III) cannot be practiced without the thermistor and sensor recited in claims 1-21 (Group I). Applicant therefore respectfully submits claims (Group I), claims 22-27 (Group II), and claims 28-30 (Group III) are not patentably distinct because each requires the other. Applicant thus respectfully requests the withdrawal of the outstanding restriction requirement in the referenced application.

In paragraph 2 of the outstanding restriction requirement, the Examiner states Applicant's arguments set forth in Applicant's Amendment "A" dated February 2, 2005 are moot in view of the new grounds of rejection. Applicant interprets this statement to mean that the Examiner's rejection set forth in the First Office Action dated October 13, 2004 over Knauss (U.S. Patent No. 4,485,449) has been overcome and is therefore withdrawn.

Respectfully submitted,

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DATE: 21 April 2005

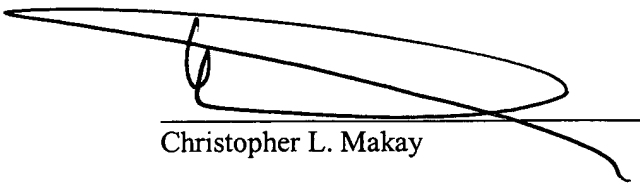
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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Date: 21 April 2005


Christopher L. Makay